

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:05-CR-176

v.

HON. ROBERT HOLMES BELL

BRYANT KEITH DAY,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #81). Based on a review of defendant's motion, the Sentence Modification Report, submissions by counsel on behalf of the defendant and the government, and the original criminal file, the Court has determined that the motion should be denied as follows:

Defendant was sentenced on June 5, 2006, to a total of 456 months custody after being found guilty of 8 counts of a Superseding Indictment involving marijuana (Count 1), possession of cocaine base (Count 2), felon in possession of a firearm (Counts 3 and 7), possession of a firearm with obliterated serial number (Count 4), use of a firearm during and in relation to a drug trafficking offense (Counts 5 and 8), and possession of cocaine with intent to distribute (Count 6). Count 5 carried a mandatory minimum sentence of 10 years and Count 8 carried a mandatory minimum sentence of 25 years.

Defendant is ineligible for a reduction of sentence as the statutory mandatory

minimum is controlling, and the new calculation does not result in a lower guideline.

Accordingly, defendant's motion (docket #81) is respectfully **DENIED**.

Date: March 28, 2013

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE